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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,680	06/25/2003	Wataru Itonaga	N3236.0040	1357
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DICKSTEIN SHAPIRO LLP			EXAMINER	
1177 AVENUE OF THE AMERICAS (6TH AVENUE)			NGUYEN, DUSTIN	
NEW YORK, NY 10036-2714				
			ART UNIT	PAPER NUMBER
			2154	
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			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/602,680	ITONAGA, WATARU	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 11/07/2007 have been fully considered but they are not persuasive.

3. In response to applicant's arguments, the recitation of "a shared cache server being placed on a common network in which a plurality of virtual networks each being placed in a virtually partitioned manner is constructed corresponding to a plurality of groups", has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4. As per remarks, Applicants' argued that (1) Aziz fails to show "a storage device to store contents in each of a plurality of storage areas allocated corresponding to said plurality of groups" as recited in claims 1, 9-10 and 18.

5. As to point (1), Aziz discloses a computing grid 904 includes a number of virtual server farm (VSFs) 906 or logical resource groups created, and farm managers 912 is assigned a single VSF to manage or multiple VSFs 906 [i.e. storage device to store contents in each of a plurality of storage areas allocated corresponding to said plurality of groups] [904, 906, Figure 9; col 14, lines 24-28 and lines 46-50; and col 29, lines 46-49].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-8, 10, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. [US Patent No 6,597,956], in view of Lewin et al. [US Patent No 7,096,266].

8. As per claim 1, Aziz discloses the invention as claimed including a shared cache server being placed on a common network in which a plurality of virtual networks each being placed in a virtually partitioned manner is constructed corresponding to a plurality of groups, comprising:

a storage device to store contents in each of a plurality of storage areas allocated corresponding to said plurality of groups [col 6, lines 66-col 7, lines 8; and col 7, lines 26-42];

a plurality of virtual interfaces being placed in a manner to correspond to said plurality of virtual networks [i.e. control plane performs control actions on the computing grid through special control ports or interfaces] [Figure 9; col 5, lines 44-55; and col 14, lines 18-28].

Aziz does not specifically disclose

an address converting function section, when receiving a packet requesting for contents with a Uniform Resource Locator (URL) designated through one of said virtual interfaces, converts part of an Internet Protocol (IP) address contained in said packet to an internal address corresponding to a virtual interface having received said packet; and

a cache function section, based on an internal address converted by said address converting function section, reads contents from a corresponding storage area of said storage device.

Lewin discloses

an address converting function section, when receiving a packet requesting for contents with a Uniform Resource Locator (URL) designated through one of said virtual interfaces [i.e. HTTP get], converts part of an Internet Protocol (IP) address contained in said packet to an internal address corresponding to a virtual interface having received said packet [i.e. network address translation (NAT) for converting public and private addresses] [Figure 3A; and col 9, lines 13-col 10, lines 18]; and

a cache function section, based on an internal address converted by said address converting function section, reads contents from a corresponding storage area of said storage device [i.e. the CDN serves content from a surrogate that is optimal for a given requesting client] [col 1, lines 34-57; and col 15, lines 5-7].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Aziz and Lewin because the teaching of converting function in Lewin would allow to create a flexible, uniform platform that preferably is deployed both on the Internet and inside of corporations or other business entities and to provide new business services to the enterprises in a more efficient and cost-effective manner [Lewin, col 2, lines 30-45].

9. As per claim 4, Aziz discloses a storage capacity managing function section to manage storage capacity in a storage area in every said group [i.e. administrative and management functions] [Figure 13; col 5, lines 44-55; and col 19, lines 37-43].

10. As per claim 5, Aziz discloses wherein said storage capacity managing function section dynamically manages said storage area in every said group [col 4, lines 1-5].

11. As per claim 6, Lewin discloses a Domain Name System (DNS) proxy function section to designate a server in which contents are stored when contents designated by said packet are not stored in said storage device [Figure 1; Abstract; and col 5, lines 14-21].

12. As per claim 7, Aziz discloses wherein said plurality of virtual networks each being placed in a partitioned and virtual manner is constructed in accordance with IEEE 802.1Q. Wang discloses wherein said plurality of virtual networks each being placed in a partitioned and virtual manner is constructed in accordance with IEEE 802.1Q [i.e. VLAN] [col 21, lines 31-42].

13. As per claim 8, Aziz discloses wherein said plurality of virtual networks each being placed in a virtually partitioned manner is constructed in accordance with MPLS Multi Protocol Label Switching (MPLS) technology [col 10, lines 31-39].

14. As per claim 10, it is rejected for similar reasons as stated above in claim 1.

15. As per claims 13-15, they are rejected for similar reasons as stated above in claims 4-6.

16. As per claims 16 and 17, they are rejected for similar reasons as stated above in claims 7 and 8.

17. Claims 2, 3, 9, 11, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. [US Patent No 6,597,956], in view of Lewin et al. [US Patent No 7,096,266], and further in view of Leighton et al. [US Patent No 6,996,616].

18. As per claim 2, Aziz discloses a tag inserting function section to convert said internal address to a tag corresponding to said group [i.e. VLAN tagging] [Figure 17; and col 21, lines 18-52]. Aziz and Lewin do not specifically disclose to insert said tag into said Uniform Resource Locator and wherein said cache function section designates contents based on said Uniform Resource Locator into which said tag is inserted. Leighton discloses to insert said tag into said Uniform Resource Locator and wherein said cache function section designates contents based on said Uniform Resource Locator into which said tag is inserted [i.e. URLs also may be modified to point to the CDN] [col 3, lines 48-51 and lines 59-64; and col 5, lines 1-10]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Aziz, Lewin and Leighton because the teaching of Leighton would provide a high-performance, fault-tolerant HTTP, streaming media and applications delivery in a content delivery network [Leighton, col 1, lines 13-15].

19. As per claim 3, Leighton discloses wherein said tag inserting function section converts, for a packet with a specified Uniform Resource Locator designated, said internal address to a specified tag being used commonly in said group [col 3, lines 44-col 4, lines 26].

20. As per claim 9, it is rejected for similar reasons as stated above in claims 1-3.

21. As per claims 11 and 12, they are rejected for similar reasons as stated above in claims 2 and 3.

22. As per claim 18, it is rejected for similar reasons as stated above in claims 1-3.

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154

